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Attorneys for Plaintiff
THAT ONE VIDEO ENTERTAINMENT, LLC, a
California limited liability company

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

THAT ONE VIDEO
ENTERTAINMENT, LLC, a
California limited liability company,

Plaintiff,
vs.

KOIL CONTENT CREATION PTY
LTD., an Australian proprietary
limited company doing business as
NOPIXEL; MITCHELL CLOUT, an
individual; and DOES 1-25, inclusive,

Defendants.

CASE NO: 2:23-cv-02687 CAS (JCx)

[Assigned to the Hon. Stephen V. Wilson;
Ctrm 10A]

**DECLARATION OF DANIEL TRACEY
IN SUPPORT OF PLAINTIFF'S MOTION
TO QUASH, OR, IN THE
ALTERNATIVE, FOR A PROTECTIVE
ORDER**

Hearing:

Judge: Hon. Jacqueline Chooljian

Date: September 10, 2024

Time: 9:30 a.m.

Place: Ctrm 750, 255 East Temple Street,
Los Angeles, California, 90012

Action Filed: April 10, 2023

Trial Date: September 17, 2024

**DECLARATION OF DANIEL TRACEY IN SUPPORT OF PLAINTIFF'S
MOTION TO QUASH, OR, IN THE ALTERNATIVE, FOR A PROTECTIVE
ORDER**

DECLARATION OF DANIEL TRACEY

I, Daniel Tracey, declare and state as follows:

1. I am an individual currently residing in the County of Mari cop a, State of Arizona, and am over 18 years of age. I know all of the following facts of my own personal knowledge and, if called upon and sworn as a witness, could and would competently testify thereto.

2. At all relevant times during my work for Defendants KOIL CONTENT CREATION PTY LTD., an Australian proprietary limited company doing business as NOPIXEL (“NoPixel”), and MITCHELL CLOUT, an individual (“Clout”) (collectively, “Defendants”) I worked remotely.

3. As part of my employment with [Plaintiff], I would spend a portion of my time streaming myself rendering development services (i.e., coding) on the videogame server operated by Defendant NoPixel that hosted the “open world” videogame entitled “Grand Theft Auto V” (the “NoPixel Server”). I know that I stated in my deposition that in the fourth quarter of 2021 specifically, I streamed approximately 25 to 40 hours a week, but I also testified that in May of 2021, I was only streaming a few hours a week. This is because the amount I would stream on any given week could and would vary.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Declaration was executed on August 8, 2024, at Phoenix, Arizona.


DANIEL TRACEY

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 9454 Wilshire Blvd, Suite 825, Beverly Hills, CA 90212.

On August 8, 2024, I served the documents described as:

PLAINTIFF'S MOTION TO QUASH, OR, IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF JOHN BEGAKIS IN SUPPORT THEREOF

DECLARATION OF BENJAMIN LAU IN SUPPORT OF PLAINTIFF'S MOTION TO QUASH, OR, IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER

DECLARATION OF DANIEL TRACEY IN SUPPORT OF PLAINTIFF'S MOTION TO QUASH, OR, IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER

[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION TO QUASH, OR, IN THE ALTERNATIVE, FOR A PROTECTIVE ORDER

on all interested parties in this action by placing _____ the original X a true copy thereof enclosed in sealed envelope(s) addressed as follows:

Larry Zerner, Esq.
MORRISON COOPER LLP
10900 Wilshire Blvd., Suite 930
Los Angeles, CA 90024
larry@morrisoncooper.com
Keith@morrisoncooper.com
Kat@morrisoncooper.com

[X]: BY ELECTRONIC MAIL:

As follows: I hereby certify that I served the above-described document on the interested parties in this action by attaching an electronic copy of the document to an email addressed to the parties listed below at their most recent e-mail address of record in this action. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

[X]: (FEDERAL) – I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on August 8, 2024, in Los Angeles, California.


John Begakis

PROOF OF SERVICE